

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FEB 14 2018

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

APPROXIMATELY FIVE (5)
ITEMS OF MISCELLANEOUS
ELECTRONIC EQUIPMENT,

Defendant.

4: 18MC 00122 PLC

No.

MOTION TO EXTEND TIME TO FILE COMPLAINT FOR FORFEITURE

Comes now the United States of America, by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Kyle T. Bateman, Assistant United States Attorney for said District, and respectfully moves this Court to extend the time in which the United States is required to file a verified complaint for forfeiture, and in support of its Motion states as follows:

1. On August 22, 2017, as part of an ongoing criminal investigation, the Federal Bureau of Investigation ("FBI") executed a federal search warrant whereupon multiple items of miscellaneous electronic equipment were seized from Richard Lynn. The seized items are more particularly described as follows (and are hereinafter referred to as the "subject property");

- a. HP Laptop, SN: 5CD44480J9;
- b. Kodak digital camera with SD card, SN: KCGJU90408199;
- c. Samsung Galaxy S7 Edge, Model: SM-G935V;
- d. Samsung Tablet;
- e. Insignia external hard drive, PCHD235;

2. Subsequently, the FBI sent to all interested parties written notice of its intent to forfeit the subject property as set forth in Title 18, United States Code, Section 983(a)(3)(A).

3. On November 17, 2017, Richard Lynn and Tamara Lynn filed an administrative claim with the FBI seeking return of the certain items of the subject property.

4. Title 18, United States Code, Section 983(a)(3)(A) provides that “Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed *may extend the period for filing a complaint for good cause shown* or upon agreement of the parties.” (emphasis added).

5. Title 18, United States Code, Section 983(a)(3)(B) provides that the United States may maintain possession of the property by filing criminal charges within the relevant time frame.

6. Accordingly, absent an order extending its time, the United States must either file a civil complaint for forfeiture of the subject property or file criminal charges on or about February 15, 2018.

7. The United States has an ongoing criminal investigation regarding the conduct giving rise to the forfeiture of the subject property. Additionally, the subject property has evidentiary value to said criminal investigation.

8. If a civil forfeiture complaint is filed, any discovery in the civil case would impede the Government’s ability to conduct its ongoing criminal investigation and would also create a burden on the claimant’s right against self-incrimination. Should the property be returned to the claimant there would be no assurance that the property would be available as evidence in any subsequent court proceedings.

9. The requested extension is in the interest of justice insofar as it avoids the need for duplicative actions and thereby conserves judicial and other governmental resources.

10. A proposed order is included herewith for the Court's consideration.

WHEREFORE, for good cause shown, the Government respectfully requests that the Court extend the period in which the United States is required to file a complaint against the subject property and/or to return criminal charges until April 16, 2018.

Dated: February 14, 2018

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney

/s/ Kyle T. Bateman
KYLE T. BATEMAN, #996646DC
Assistant United States Attorney
111 South Tenth Street, 20th Floor
St. Louis, Missouri 63102

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2018, a copy of the foregoing was sent via first-class mail, postage prepaid and addressed to the following:

Richard Lynn
214B Carrington Lane
St. Louis, MO 63125

Tamara Lynn
214B Carrington Lane
St. Louis, MO 63125

/s/ Kyle T. Bateman
KYLE T. BATEMAN, #996646DC
Assistant United States Attorney